ESTTA Tracking number:

ESTTA576864

Filing date:

12/16/2013

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### **Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Publi-Inversiones Puerto Rico, Inc.			
Entity	Corporation Citizenship Puerto Rico			
Address	206 Avenida de la Constitucion San Juan, PR 00901 UNITED STATES			

Corresponden information	Attorney of Record O'Neill & Borges LLC 250 Munoz Rivera Ave., Ste 800 San Juan, PR 00918 UNITED STATES
	tmproceedings@oneillborges.com Phone:787-282-5792

# Registration Subject to Cancellation

Registration No	3546245	Registration date	12/16/2008
Registrant	El Vocero Hispano 1438 Eastern SE Grand Rapids, MI 49507 MI		

# Goods/Services Subject to Cancellation

Class 016. First Use: 1992/02/24 First Use In Commerce: 1992/11/24 All goods and services in the class are cancelled, namely: Newspapers

Class 041. First Use: 1992/02/24 First Use In Commerce: 1992/11/24

All goods and services in the class are cancelled, namely: Providing on-line publication in the nature of a newspapers in the field of local, national and international news

### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)

# Marks Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE		
Registration Date	NONE				
Word Mark	EL VOCERO				
Goods/Services	Newspapers; providing news through the internet, including general international, national and Puerto Rico news, as well as a review of				

	the actual digital image of the daily published newspaper					
U.S. Application/ Registration No.  NONE Application Date NONE						
Registration Date	NONE					
Word Mark	EL VOCERO DE PUERTO RICO					
Goods/Services	Newspapers; providing news through the internet, including general international, national and Puerto Rico news, as well as a review of the actual digital image of the daily published newspaper					

Attachments	Vocero petition to upload.pdf(3683187 bytes)

# **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Travis D. Wheatley/	
Name	Travis Wheatley	
Date	12/16/2013	

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PUBLI-INVERSIONES PUERTO RICO, INC,

Petitioner,

v.

EL VOCERO HISPANO, LLC,

Respondent

Cancellation No. \_\_\_\_\_ Registration No. 3,546,245 Mark: EL VOCERO HISPANO (Stylized)

Honorable Commissioner for Trademarks PO Box 1451 Alexandria, VA 22313-1451

### PETITION FOR CANCELLATION

PUBLI-INVERSIONES PUERTO RICO, INC., a corporation organized under the laws of Puerto Rico ("<u>Petitioner</u>"), with a business address of 206 Avenida de La Constitución San Juan, PUERTO RICO 00901, believes that it is or will be damaged by the continued registration of the mark identified above and hereby petitions to cancel the registration.

As grounds for this Petition, Petitioner alleges:

### I. THE PARTIES:

- 1. Petitioner is the publisher of a daily newspaper and other complementary media platforms linked to the newspaper, including its daily updated website.
- 2. On information and belief, El Vocero Hispano LLC ("Respondent") is a limited liability company organized under the laws of Michigan.

3. On information and belief, Respondent is the publisher of a newspaper and a related website.

### II. THE USE OF PETITIONER'S MARK(S):

- 4. At least as early as April 30, 1974, petitioner's predecessors began using the term "EL VOCERO DE PUERTO RICO" (the "Petitioner Mark") in commerce that may be regulated by Congress.
- 5. Petitioner uses the Petitioner Mark as the name of a daily newspaper published in Puerto Rico and sold in paper form in Puerto Rico, New York, New Jersey, Massachusetts, Pennsylvania and Connecticut.
- 6. Petitioner also uses the Petitioner Mark on the Petitioner's website to identify its service of providing news through the internet, including general international, national and Puerto Rico news, as well as a review of the actual digital image of the daily published newspaper.
- 7. On January 9, 1974, El Vocero de Puerto Rico, Inc., ("<u>El Vocero PR Inc</u>") filed a trademark application with the Puerto Rico Department of State to register the word mark "EL VOCERO DE PUERTO RICO," (the "<u>1974 Vocero PR Mark</u>"). Such application was approved on January 10, 1974 and became Registration No. 18,811. (the "<u>1974 Vocero PR Registration</u>"). A copy of the 1974 Vocero PR Registration is attached as Exhibit A.
- 8. On May 16, 1977, El Vocero PR Inc filed an application (the "1977 Application") with the USPTO for the mark "EL VOCERO DE PUERTO RICO" (and design) for "daily newspapers" in international class 16, (the "1977 Vocero USPTO Mark") claiming a date of first use and first use in commerce no later than April 30, 1974.

- 9. The 1977 Application was approved, and on August 1, 1978, matured into Registration No. 1,098,107 (the "1978 USPTO Registration"). A copy of the 1978 USPTO Registration is attached as Exhibit B.
- 10. On October 15, 1985, an assignment of the 1978 USPTO Registration from El Vocero PR Inc to Caribbean International News Corporation, Inc. ("CINCI") was recorded in the Assignments Branch of the USPTO. A printout of the current records of the Assignments Branch for the 1978 Registration is attached as Exhibit C.
  - 11. The 1974 Vocero PR Registration was assigned by El Vocero PR Inc. to CINCI.
- 12. On May 11, 1999, the 1978 USPTO Registration expired for failure to file a Renewal of Registration under Section 9 of the Lanham (Trademark) Act (Pub.L. 79–489) (as amended, the "Lanham Act").
- 13. Thereafter, on June 24, 2004, the 1974 Vocero PR Registration lapsed because of failure to file a renewal request that year.
- 14. Nevertheless, by October 4, 2012, CINCI had filed new trademark applications for "EL VOCERO DE PUERTO RICO" and design in classes 16, 35 and 41, which trademark applications, with numbers 100132-15-1, 100131-35-1 and 100130-41-1 respectively, are currently pending before the Puerto Rico State Department.
- 15. Effective December 1, 2013, Petitioner purchased CINCI's main assets within the context of Bankruptcy Proceeding 13-07759 in the united States Bankruptcy Court for the District of Puerto Rico, including "All trademarks, service marks, trade names, service names, brand names, all trade dress rights, logos, corporate names and general intangibles of a like nature, together with the goodwill associated with any of the foregoing, including, without limitation the terms 'El Vocero' and 'El Vocero de Puerto Rico' and all derivatives and

variations thereof now in use and used in the past,... and all pending registrations related to such trademarks, service marks or tradenames." See, Exhibit D.

- 16. Petitioner and its predecessors in interest regarding the trademark's use have used the term "EL VOCERO" in various phrases and designs (including the 1974 Vocero PR Mark and the 1977 Vocero USPTO Mark) in connection with newspapers since at least April 30, 1974 in commerce that may be regulated by Congress and have not abandoned the use of the term.
- 17. Petitioner has established common law rights under federal law, including pursuant to sections 43 (a), 43 (c), and 43(d) of the Lanham Act, in the wording "EL VOCERO" in connection with "newspapers" in international class 16, dating back to the use of the mark since at least April 30, 1974
- 18. Petitioner and its trademark predecessor, CINCI, have used the term "EL VOCERO" in various phrases and designs in connection with the service of providing a newspaper through the internet since at least October 27, 2000, in commerce that may be regulated by Congress, and has not abandoned the use of the term.
- 19. Petitioner has established common law rights under federal law, including pursuant to sections 43 (a), 43 (c), and 43(d) of the Lanham Act, in the wording "EL VOCERO" in connection with "providing an on-line publication in the nature of a newspaper" in international class 41, dating back to the use of the mark since at least October 27, 2000.
- 20. To protect such rights, on November 1, 2013, CINCI filed Application Ser. No. 86108540 with the USPTO for the wording "EL VOCERO DE PUERTO RICO" for the goods "Newspapers; Newspapers for general circulation" in International Class 16, which application has been effectively assigned to Petitioner.

21. To protect such rights, on November 1, 2013, CINCI filed Application Ser. No. 86108537 with the USPTO for the wording "EL VOCERO" for the goods "Newspapers; Newspapers for general circulation" in International Class 16, which application has been effectively assigned to Petitioner.

### III. RESPONDENT'S USE OF EL VOCERO HISPANO:

- 22. Respondent filed Application Ser. No. 77417593 (the "Respondent Application") on March 10, 2008 for the stylized wording "EL VOCERO HISPANO" (the "Respondent Mark"). A copy of the Respondent Application is attached as Exhibit E.
- 23. The Respondent Application was filed based on use in commerce of the Respondent Mark with: (1) "newspapers" in International Class 16 (the "Class 16 Goods"), and (2) "Providing on-line publication in the nature of a newspapers in the field of local, national and international news" in International Class 41 (the "Class 41 Services").
- 24. The Application claims a date of first use of February 24, 1992 and a date of first use in commerce of November 24, 1992 for both the Class 16 Goods and the Class 41 Services.
- 25. Upon information and belief, the Respondent Mark was not used with the Class 41 Services until after November 24, 1992.
- 26. The Application was approved and matured into Registration No. 3,546,245 (the "Registration") on December 16, 2008. A copy of the Registration is provided as Exhibit F.
- 27. The Respondent Mark consists of the wording "El Vocero Hispano" in stylized form.
- 28. The wording "El Vocero" can be translated from Spanish into English as "the spokesperson".

- 29. The wording "El Vocero" is inherently distinctive when used with Petitioner's goods (newspapers) and services (providing news through the internet, including general international, national and Puerto Rico news).
  - 30. The wording "Hispano" can be translated from Spanish into English as "Hispanic".
- 31. Upon information and belief, the Respondent Mark is used in connection with a newspaper that addresses, among other things, news relevant to a Hispanic community.
  - 32. The wording Hispano is descriptive of Respondent's goods and services.
- 33. The degree of stylization in the Respondent Mark is not significant enough to be considered for purposes of determining mark strength.
- 34. The dominant portion of the Respondent Mark is the wording "El Vocero" because the stylization is not distinctive and the wording "Hispano" is descriptive.

### IV. LEGAL ARGUMENTS IN SUPPORT OF CANCELLATION

- 35. Petitioner and its trademark predecessors in interest have used the wording "El Vocero" in a number of marks, including the 1974 Vocero PR Mark and the 1977 Vocero USPTO Mark, in which "El Vocero" is the dominant portion.
- 36. Petitioner began using the wording "El Vocero de Puerto Rico" in commerce regulated by Congress in connection with newspapers at least 27 years before Respondent began using the wording "El Vocero Hispano" in commerce in connection with newspapers..
- 37. The wording "El Vocero" in the Respondent Mark is identical to the wording "El Vocero" used by Petitioner in various forms.
- 38. The Respondent Mark is similar in sound to the marks used by Petitioner containing the wording "El Vocero," including "El Vocero" and "El Vocero de Puerto Rico".

- 39. The Respondent Mark is similar in appearance to the marks used by Petitioner containing the wording "El Vocero," including "El Vocero" and "El Vocero de Puerto Rico".
- 40. The Respondent Mark is similar in meaning to the marks used by Petitioner containing the wording "El Vocero," including "El Vocero" and "El Vocero de Puerto Rico".
- 41. Respondent's Class 16 Goods are identical to some of the goods with which Petitioner uses the term "El Vocero" (newspapers).
- 42. Petitioner has priority in the use of the term "El Vocero" in connection with the Class 16 Goods ("newspapers") based on its common law and other federal law rights in the term.
- 43. Respondent's Class 41 Services are identical to some of the services with which Petitioner uses the term "El Vocero".
- 44. Respondent's Class 41 Services are related to Petitioner's goods (newspapers) because Respondent is providing an online publication in the nature of a newspaper and many print publications are also published online.
- 45. Consumers who view similar marks used in connection with newspapers and the service of providing an on-line newspaper are likely to believe that they arise from a similar source, meaning there is a likelihood of confusion.
- 46. Petitioner has not been able to determine the exact date of first use in commerce of the Respondent Mark in connection with the Class 41 Services, but even if Respondent's first use of the term "EL VOCERO" in connection with the Class 41 Services predates the use of the term "EL VOCERO" in connection with Petitioner's online publication of a newspaper, Petitioner still has priority for such services because of the priority established in its newspaper goods.

- 47. Petitioner has priority over Respondent's Class 41 Services ("providing on-line publication in the nature of a newspapers in the field of local, national and international news") because Petitioner has priority in the use of the term "El Vocero" in connection with newspapers and the Class 41 Services are within the natural zone of expansion of the newspaper business.
- 48. The marks of Petitioner and Respondent at issue and the goods and services with which those marks are used are so similar, that an inference of likelihood of confusion arising from a comparison of the conflicting marks themselves and the context of their use in the marketplace can be drawn.
- 49. Petitioner believes and alleges that the Respondent Mark, when applied to goods and used with services that do not originate with Petitioner, is likely to cause confusion or mistake or to deceive and will deceive and mislead the purchasing public into believing that those goods and services are also licensed or controlled by Petitioner, or that Respondent is an affiliate of, or in some way related to Petitioner.
- 50. Petitioner believes that it is being, and will continue to be, damaged by the continued registration of Registration Number 3,546,245.

WHEREFORE, Petitioners believe and aver that they are being and will continue to be damaged by the continuing registration of the Respondent Mark by Respondent as aforesaid, and requests that this Petition for Cancellation be granted and that Registration Number 3,546,245 be cancelled.

Petitioners have appointed Travis D. Wheatley, a member of the law firm of O'NEILL & BORGES LLC and a member of the Bar of the Commonwealth of Puerto Rico, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith.

Please address all correspondence to:

Travis D. Wheatley, Esq. O'Neill & Borges LLC 250 Munoz Rivera Ave, Suite 800 San Juan, Puerto Rico 00918-1813

Payment has been made by credit card through the ESTTA system concurrently with the filing of this Petition.

Respectfully submitted,

PUBLI-INVERSIONES PUERTO RICO, INC.

BY: /Travis D. Wheatley/

TRAVIS D. WHEATLEY O'NEILL & BORGES LLC 250 Munoz Rivera Ave., Suite 800 San Juan, Puerto Rico 00918-1813

(787) 282-5792 Fax (787) 753-8944

Email: tmproceedings@oneillborges.com

Attorneys for Petitioner

Dated: December 16, 2013

### CERTIFICATE OF SERVICE

I, Travis D. Wheatley, state that I served a copy of the foregoing *Petition for Cancellation*, via USPS Express Mail, Post Office to Addressee, postage prepaid, upon Respondent at the following address:

EL VOCERO HISPANO 1438 EASTERN AVE SE GRAND RAPIDS, MICHIGAN 49507-2054

in accordance with Trademark Rule § 2.119 and TBMP §309.02(c)(2) on this 16th day of December 2013.

/Travis D. Wheatley/

Travis D. Wheatley

18,811

# Commonwealth of Puerto Rico

# Department of State

To all whom these presents shall come:

This is to Certify that by the records of the Department of State of Puerto Rico it appears that EL VOCERO DE PUERTO RICO, INC., of Puerta de Tierra, San Juan, Puerto Rico, a corporation organized the laws of Puerto Rico,

did, on the 9th day of January, 1974 duly file in said Department an application for Registration of a certain

# Trade Mark

shown in the facsimile for the goods specified in the statement, copies of which facsimile and statement are hereto annexed, and duly complied with the requirements of the law in such case made and provided, and with the regulations prescribed by the Secretary of State of Puerto Rico,

And, upon due examination, it appearing that the said applicant is entitled to have said Trade Mark registered under the law, the said Trade Mark has been duly Registered this day in the Department of State of Puerto Rico, to El vocero DE PUERTO RICO, INC., its successors or assigns.

This certificate shall remain in force for ten years, unless sooner terminated by law.

In Testimony Whereof, I have hereunto set my hand and affixed the
Great Seal of the Commonwealth
of Puerto Rico at the City of San
Juan, this

day of -----June
the year of our Lord, one thousand
nine hundred and seventy-four.----

Gloria I. Silva de Díaz

Assistant Serretury of State of Suerto Etro

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,098,107 Registered Aug. 1, 1978

### TRADEMARK Principal Register



El Vocero de Puerto Rico, Inc. (Puerto Rican corporation)
P.O. Box 3831, Old San Juan Station
San Juan, Puerto Rico

For: DAILY NEWSPAPER, in CLASS 16 (U.S. CL.

38).
First use April 1974; in commerce April 1975.
Applicant disclaims the words "Puerto Rico" apart from the mark as shown.

The drawing is lined for the colors grey and red, but no claim to color is made.

The phrase "El Vocero de Puerto Rico" is Spanish. In English, the phrase is translated literally as "the spokesman of Puerto Rico" or "the Puerto Rican spokesman."

Ser. No. 126,669, filed May 16, 1977.



### **United States Patent and Trademark Office**

Home | Site Index | Search | Guides | Contacts | eBusiness | eBiz alerts | News | Help



### Assignments on the Web > Trademark Query

# **Trademark Assignment Abstract of Title**

**Total Assignments: 5** 

Serial #: 73126669

**Filing Dt:** 05/16/1977

Reg #: 1098107

Reg. Dt: 08/01/1978

Registrant: EL VOCERO DE PUERTO RICO, INC.

Mark: EL VOCERO DE PUERTO RICO

Assignment: 1

Reel/Frame: 0507/0930

Recorded: 10/15/1985

Pages: 8

Conveyance: SECURITY INTEREST

Assignor: CARIBBEAN INTERNATIONAL NEWS CORPORATION

Exec Dt: 10/10/1985 Entity Type: CORPORATION Citizenship: PUERTO RICO

Assignee: FIRST NATIONAL BANK OF BOSTON

255 PONCE DE LEON AVE. HATO REY, PUERTO RICO Entity Type: A NATIONAL BANKING ASSOCIATION

Citizenship: NONE

Correspondent: MORGAN, FINNEGAN, ET AL.

345 PARK AVE. NEW YORK, NY 10154

Assignment: 2

Reel/Frame: 0507/0938

**Recorded:** 10/15/1985

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: EL VOCERO DE PUERTO RICO, INC.

Exec Dt: 10/10/1985 Entity Type: UNKNOWN Citizenship: NONE

Entity Type: CORPORATION

Citizenship: PUERTO RICO

Assignee: CARIBBEAN INTERNATIONAL NEWS CORP.

206 PONCE DE LEON AVE.

PUERTA DE TIERRA, SAN JUAN, PUERTO RICO 00901

Correspondent: MORGAN FINNEGAN, ET AL.

345 PARK AVE. NEW YORK, NY 10154

Assignment: 3

Reel/Frame: 0739/0508

Recorded: 09/20/1990

Pages: 0

Conveyance: SECURITY INTEREST

Assignor: CARIBBEAN INTERNATIONAL NEWS CORPORATION

Exec Dt: 09/13/1990
Entity Type: CORPORATION
Citizenship: PUERTO RICO

Citizenship: NONE

Entity Type: A NATIONAL BANKING ASSOCIATION

Assignee: FIRST NATIONAL BANK OF BOSTON, THE

LOBBY

ROYAL BANK CENTER, 255 PONCE DE LEON AVENUE

HATO REY, PUERTO RICO

Correspondent: EDWARD S. IRONS

SUITE 800

919 - 18TH STREET, N.W. WASHINGTON, DC 20006

Assignment: 4

Reel/Frame: 0739/0875

Recorded: 09/20/1990

Pages: 0

Conveyance: RELEASE BY SECURED PARTY ON OCTOBER 10, 1985. (SEE DOCUMENT FOR DETAILS)

Assignor: CARIBBEAN INTERNATIONAL NEW CORPORATION Exec Dt: 09/13/1990

> Entity Type: CORPORATION Citizenship: PUERTO RICO

Entity Type: A NATIONAL BANK

ASSOCIATION

Assignee: FIRST NATIONAL BANK OF BOSTON, THE

255 PONCE DE LEON AVENUE HATE REY, PUERTO RICO

Citizenship: NONE

Correspondent: LANE & MITTENDORF

919 18TH STREET, N.W. WASHINGTON, DC 20006

Assignment: 5

Recorded: 05/08/1992 Pages: 17 Reel/Frame: 0864/0468

Conveyance: SECURITY INTEREST

Assignor: CARIBBEAN INTERNATIONAL NEWS CORPORATION Exec Dt: 04/30/1992

> **Entity Type: CORPORATION** Citizenship: PUERTO RICO

Entity Type: SEE DOCUMENT FOR Assignee: FIRST NATIONAL BANK OF BOSTON, THE

DETAILS.

Citizenship: NONE

Correspondent: EDWARD S. IRONS

919 - 18TH STREET, N.W.

SUITE 800

WASHINGTON, DC 20006

Search Results as of: 12/16/2013 01:27 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4

Web interface last modified: Jul 8, 2013 v.2,3,4

| .HOME | INDEX | SEARCH | eBUSINESS | CONTACT US | PRIVACY STATEMENT

EXHIBIT D

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main Page 1 of 24 Document

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 13-07759 MCF

CARIBBEAN INTERNATIONAL NEWS CORPORATION

DEBTOR

**CHAPTER 7** 

### TRUSTEE'S REPORT OF SALE AND MINUTES OF SALE

### TO THE HONORABLE COURT:

Comes now, Noemí Landrau Rivera, Chapter 7 Trustee duly appointed in the above captioned case, and before this Honorable Court sets forth Trustee's Report on Sale. :

Debtor, Caribbean International News Corporation, filed a Chapter 11 petition for bankruptcy relief on September 20, 2013. On October 15, 2013 this Court entered order granting the conversion of the case to a Chapter 7. See docket nos. 88.

On November 8th, 2013 Trustee filed a Notice of Intent to Sell Property at Public Sale including machinery, fixtures, equipment, printing press, trade names and logos. At hearing held on November 2, 2013, this Honorable Court entered order approving the public sale pursuant to the terms and conditions set forth in the notice as amended in open court. Notice of public sale with amendments stated in open court is included with this motion and identified as Exhibit A. Minutes of Court hearing approving sale are also included herein and identified as Exhibit B.

Pursuant to the Notice of Intent to Sell Property at Public Sale as approved by this Court, and notified to all parties in interest, Trustee hereby reports that the public sale of assets took place as scheduled on November 22, 2013 as follows:

1. Date: November 22, 2013

- 2. Place: Ochoa Building, 500 Tanca Street, Lobby Level, Old San Juan, Puerto Rico
- 3. Time offering started: 2:31 PM
- 4. Time offering ended: 2:32 PM
- 5. **Present for Debtor:** No representative of Debtor or its counsel of record was present.
- 6. Parties present: The following creditors were present thru their legal representatives: First Bank Puerto Rico, Municipality of San Juan, PR Department of Treasury, CRIM, Rey Colón, UPAGRA. Other parties in interest were also present including members of the media for El Nuevo Día, NotiCel and El Vocero. Refer to list of attendees present identified as Exhibit C.
- 7. **Bidder(s) present:** Only bidder present at auction was Publi-Inversiones de Puerto Rico, Inc. represented by counsel Mr. Charles Cuprill, Esq. and Mr. Gilberto Marxuach, Esq. Refer to attached list of qualified bidders identified as **Exhibit D**.
- 8. Summary of bidding process: Pursuant to notice of public sale approved by this Court at docket no. 145, bidder Publi-Inversiones de Puerto Rico was the only qualified bidder to appear at the public sale and was qualified by Trustee upon delivery to Trustee of certified check for the amount of \$400,000.00. See Exhibit E. As per notice of sale and stipulation approved by this Court at docket nos. 115, 116 and 145 Publi-Inversiones de Puerto Rico, Inc. was also allowed to present is credit bid for the amount of \$1,500,000.00. Public Auction was opened with bidder's offer for purchase in the amount of \$1,900,000.00 no other better offer was received by Trustee and sale of assets as provided in Notice of Intent to Sell at docket no. 116 was adjudicated in favor of Publi-Inversiones de Puerto Rico, Inc.
- 9. Conditions to Highest Bidder: Any closing costs for the transfer of assets will be paid by Publi-Inversiones de Puerto Rico, Inc. as detailed in Notice of Sale.
- 10. Additional Matters: Transfer of assets will be completed by December 1<sup>st</sup>, 2013. Trustee is currently engaged in the administrative proceedings needed to effectively close the operations of Debtor on November 30, 2013 and transfer assets of Debtor to Bidder effective December 1<sup>st</sup>, 2013. Trustee will continue liquidation of other assets of Debtor and the investigation of Debtor's financial affairs pursuant to the provisions of the Bankruptcy Code.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 26th day of November 2013.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail as per attached list. I further certify that the foregoing document has been served to the US Trustee at <a href="mailto:ustregion21.hr.ecf@usdoj.gov">ustregion21.hr.ecf@usdoj.gov</a> and to Debtor's attorney, Alexis Fuentes Hernández, at his email of record; and by depositing true and exact copies thereof in the US regular mail all other interested parties as per attached master address list.

/s/ Noemi Landrau Rivera, Esq. USDC 215510 Chapter 7 Trustee PO Box 270219 San Juan, PR 00927-0219 Tel. 787-774-0224 Fax. 787-793-1004 nlandrau@landraulaw.com Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main Document Page 4 of 24

### IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 13-07759 MCF

CARIBBEAN INTERNATIONAL NEWS

**CHAPTER 7** 

CORPORATION

DEBTOR

NOTICE OF PUBLIC SALE OF CERTAIN ASSETS PURSUANT TO 11 U.S.C. §363 FREE AND CLEAR OF LIENS

### TO THE HONORABLE COURT:

NOEMI LANDRAU RIVERA, Chapter 7 Trustee duly appointed for the administration and liquidation of the bankruptcy estate in the captioned case, hereby represents that she will sell at public sale certain property of estate of debtor Caribbean International News Corporation subject to the provisions of the Bankruptcy Code and as stated herein.

### I. DESCRIPTION OF PROPERTY TO BE SOLD:

The properties, assets and rights of Caribbean International News Corporation ("Debtor") as defined in Exhibit A hereto, other than the Excluded Assets detailed in Exhibit A, related to or used or held for use in connection with Debtor's business as the same may exist at the day of the transfer of the assets (collectively, the "Property"), including to those referred to in Exhibit A hereto and identified as follows:

> Machinery, Fixtures, Equipment, Printing Press, Office Equipment, Tradenames & Logos as listed in Exhibit A of this notice with the exception of those items identified as "Excluded Assets"

### II. TERMS AND CONDITIONS OF PUBLIC SALE:

- 1. The public auction of the property has been scheduled to be held on Friday, November 22, 2013, at 2:00 pm to be conducted at Ochoa Building, 500 Tanca Street, Lobby Level, Old San Juan, Puerto Rico.
- 2. Sale shall be free and clear of liens, except as noted in the Liens and Encumbrances section of this notice. Such liens, if any, shall attach to proceeds pursuant to 11 U.S.C. 363(f). Payments to secured creditors participating in this sale are detailed below.
- 3. Secured creditor, Publi-Inversiones Puerto Rico, Inc. ("Publi-Inversiones"), will be allowed to participate as a bidder for the purchase of the assets pursuant to the terms and conditions set forth in stipulation included with this notice and identified as **Exhibit B**. Publi-Inversiones may credit bid for the sale of property up to the amount of \$1,500,000.00 and will pay Trustee an additional sum of \$400,000.00 for the benefit of the bankruptcy estate. Thus, secured creditor has set forth a good faith offer for purchase of the property in the total amount of \$1,900,000.
- 4. The trustee will complete the sale of the property and adjudicate the sale to the entity with the highest bid upon the terms set forth herein, except when the trustee, at her sole discretion, rejects any bids that does not comply with this notice or applicable law. The minimum amount to be considered as a bonafide offer shall be \$2,000,000.00 for all property subject to this sale.
- 5. The auction of property included in **Exhibit A** (with the exception of "Excluded Items") shall be sold as one single lot with bidding to start at \$2,000,000. Potential bidders must

qualify prior to the public auction by providing evidence of funds in certified manager's checks for the minimum amount as set herein in order to participate in the public auction. Sale adjudicated at the public auction shall be final and shall constitute an enforceable contract between the trustee and buyer.

- 6. Only qualified bidders and their advisors will be eligible to attend and bid at the auction. At the auction qualified bidders shall be entitled to make any additional bids. All bids subsequent to the initial bid at the auction must exceed the prior by not less than \$100,000, unless the Trustee, at her sole discretion, accepts any additional bid as may be compatible with the best interest of the bankruptcy estate. Bidding shall continue until such time as the highest and best offer is determined as a successful bid by Trustee.
- 7. The sale of property is made "as is" and "where is" without representation or warranty for any kind, express or implied, including, without limitation, representation or warranty of merchantability or of fitness for any particular purpose; and no warranty is made as to the accuracy of the above description for any assets for sale. The buyer is responsible of complying with all laws and regulations for the operation of the business. Buyer is also responsible of procuring and obtaining the transfers of the operating permits required to operate the business. All risk of loss shall pass to the buyer upon adjudication of the sale and closing of the sale by the trustee. Upon closing of the sale of the property, the prevailing buyer waives, releases and hold harmless the trustee, the bankruptcy estate and the creditors participating in this sale of any claims, damages or assessment on this transaction and with regards to the Property to be sold and transferred herein.

8. Full payment of the purchase price shall be delivered to Trustee upon adjudication of the sale. Failure to pay the full price shall entitle trustee to void the sale and adjudicate the sale to the next highest bidder. Compliance with this condition is essential for adjudication of this sale at the public auction.

9. Assets object of this sale are essential for the operation of an ongoing business which will be operated by Trustee until November 30, 2013, pursuant to order entered by this Court on October 15, 2013. Buyer shall take possession of the property acquired effective December 1, 2013 at which time property shall be transferred "as is" and "where is". Any account receivable generated as a result of the operation of debtor's business up to November 30, 2013 will be property of the bankruptcy estate subject to the administration of trustee.

10. If Buyer chooses to operate a business upon the completion of the purchase of the property, it must comply with all state and federal laws and regulations for the operation of such a business and the use of said property. Nothing in this Sale Order or the Asset Purchase Agreement shall be held to limit any independent obligation of the Buyer that potentially could arise after the closing pursuant to the National Labor Relations Act, 29 U.S.C. §145 et. seq. Any claims related to acts which transpired prior October 15, 2013 are the responsibility of Debtor and shall be claimed through the bankruptcy proceedings.

- 11. Subject to the provisions of the Bankruptcy Code and applicable non-bankruptcy law:
- a) The Property will be sold under Section 363 of the Bankruptcy Code, will vest on the successful bidder with all right, title, and interest of the Debtor's estate to the Property free and clear of all interests of any kind or nature whatsoever, including but not limited to those (A) that

purport to give to any party a right or option to effect any forfeiture, modification, right of first refusal, or termination of Debtor's estate or the successful bidder's interest in the Assets, or any similar rights and (B) relating to taxes arising under or out of, in connection with, or in any way relating to the operation of the Assets prior to the Public Sale.

- b) The transfer of the Property will not subject the successful bidder to any liability whatsoever with respect to the operation of the Property or employment of the Debtor's current or former employees prior to the Public Sale or by reason of such transfer under the laws of the United States or any state, territory, or possession thereof including the Commonwealth of Puerto Rico, based, in whole or in part, directly or indirectly, on any theory of law or equity, including, without limitation, any theory of equitable law, including, without limitation, any theory antitrust or successor or transferee liability with regard to severance obligations that may be due and owing by the Debtor or the Trustee.
- c) Neither the successful bidder nor any of tits designees (as a successor entity, successor employer or otherwise) will acquire or assume or be deemed to have acquired or assumed any obligations or liabilities of the Debtor or the Trustee including asserted or unasserted, known or unknown, employee related claims, wage and hours claims, severance claims or payments, employment benefits claims, payroll taxes, payroll tax withholding and garnishments, workers' compensation contributions or liability, employee contracts, employee seniority accrued by the employees while employed by the Debtor or the Trustee (including but not limited to any claim, liability or seniority rights under Puerto Rico Law 80 of May 30, 1976, as amended, or any other law, regulation, contract, trust, plan or policy), pension plan contribution and successor liability,

and all persons and/or entities upon approval of the Public Sale will be permanently enjoined and restrained from asserting or prosecuting any claim against the successful bidder or its affiliates or designees or agents, to recover on any such claim such person has or may have against the Debtor, its Estate or the Trustee, and/or the Property, relating to the ownership, use and/or operation of the Property, including, without limitation, any present or future right of first refusal or right to set-off or recoupment or under or on account of any theory for successor liability.

d) Neither the successful bidder, its affiliates or designees, nor their respective successors or assigns, shall be obligated or liable, either directly or indirectly, as successor, transferee or otherwise, for any liabilities or interests of the Debtor, of any of its affiliates or the Trustee (whether under federal or state law or the laws of the Commonwealth of Puerto Rico or otherwise) as a result of the purchase of the Property or employment of any former employee of the Debtor or the Trustee, including, without limitation, any retention agreements entered into by the Debtor pre-petition or post-petition. The successful bidder, its affiliates or designees, or their respective successors and assigns shall not be deemed to be a successor or successor in interest or responsible person to the Debtor or any current or former creditor, employee, equity holder or other party in interest with respect to any liability or interest and none shall have any liability (whether under federal or state law or the laws of the Commonwealth of Puerto Rico or otherwise) for successor liability, including, without limitation, with respect to any liabilities or interests arising from or under any theory of tax, environmental, employment or other laws and statutes of the United States, and any of its states, territories and possessions, including the Commonwealth of Puerto Rico.

e) Under no circumstances the successful bidder shall be deemed a successor of or to the Debtor of any kind or nature whatsoever. The interests of any kind or nature whatsoever in the Property shall remain with, and continue to be obligations of the Debtor or the estate. All persons holding interests against or in the Debtor or the Property of any kind or nature whatsoever shall be forever barred, estopped, and permanently enjoined from asserting, prosecuting, or otherwise pursuing such interests of any kind or nature whatsoever against the successful bidder, their respective property, their respective successors and assigns, or the Assets with respect to any interest of any kind or nature whatsoever such person or entity had, has or may have against or in the Debtor, its Estate, its officers, directors, shareholders, or the Assets. Following the closing on the Public Sale, no holder of an interest in the Debtor shall interfere with the successful bidder's title to or use and enjoyment of the Property based on or related to such interest, or any action in Debtor's bankruptcy case.

12. Property object of this sale is located in leased premises located in part at 200, 202, 204 & 206 Constitucion Ave., Puerta de Tierra, San Juan, Puerto Rico and at D Street Corner with E Street Constitución No. 0101, Industrial Park, Puerto Nuevo, San Juan, PR 00906. Lease payments over said properties will be paid by trustee up to November 30, 2013. Buyer shall be responsible for the negotiation, assumption and payment of any lease of real property after the transfer of assets to purchaser. Buyer shall release and hold harmless the trustee and the estate for any payment of monthly rent due in favor of lessors after November 30th, 2013 pursuant to the agreements filed before the Bankruptcy Court at docket nos. 110 and 113. Lease contracts shall be deemed rejected by Trustee as of December 1st, 2013 unless buyer reaches an agreement

with lessees before said date.

13. The property subject of this sale may be inspected by potential buyers upon appointment with the undersigned trustee via written request to be sent via fax to (787) 793-1004.

### III. LIENS AND ENCUMBRANCES

As per investigation by trustee property to be sold holds liens and encumbrances subject to payment with proceeds of sale. Creditors and parties in interest are urged to review the documents enclosed with the notice of sale to ascertain the correct description of the liens perfected against the properties subject of this sale. In summary, the liens and encumbrances affecting the properties subject of this sale are as follows:

- 1. Publi-Inversiones Puerto Rico, Inc. ("Publi-Inversiones") holds a first rank and a junior lien over the Property and has consented to the sale of assets free and clear of all liens. See stipulation with secured creditors filed before the Bankruptcy Court at docket no. 115 and included herein as **Exhibit B**. The total amount due on account of secured claims is \$4,195,046.45. Publi-Inversiones has set forth a valid offer for the purchase of the property in the total amount of \$1,900,000.00 which consists of a credit bid in the amount of \$1,500,000.00 and an additional payment of \$400,000.00 to the trustee for the benefit of the estate. If Publi-Inversiones is not the successful bidder at Public Sale then secured creditor will be paid the sum of \$1,500,000.00 in full payment of its claim.
- 2. There are several Federal Tax Liens, filed under Internal Revenue Laws in the Office of the Clerk of the United States District Court for the District of Puerto Rico against Debtor.

The embargoes issued in favor of the Internal Revenue Service are the following:

	<u>Serial Number</u>	ID Number	<u>Amount</u>	<u> Date</u>
a)	343685207	660420585	\$1423288.32	03/23/07
b)	343685307	660420585	\$1993152.69	03/23/07
c)	361883407	660420585	\$ 841503.52	05/16/07
d)	369267107	660420585	\$ 559305.75	06/29/07
e)	432965008	660420585	\$145565.75	04/04/08
f)	437355508	660420585	\$36806.03	04/21/08
g)	467311708	660420585	\$243109.05	09/09/08
h)	500474308	660420585	\$297941.41	12/23/08
i)	567383309	660420585	\$ 258236.13	08/17/09
j)	598915709	660420585	\$236142.78	12/02/09
k)	858562812	660420585	\$256676.09	04/23/12

The Internal Revenue Tax liens will be treated pursuant the provisions of 11 U.S.C. §724.

This creditor will receive no distribution from the proceeds of the sale since it will receive distribution from the proceeds of the liquidation of inventory and accounts receivable of Debtor.

### IV. PROCEEDS AND DISTRIBUTION OF PROCEEDS

The Trustee and Publi-Inversiones, have entered into a stipulation through which Publi-Inversiones has consented to the sale of the Property, free and clear of liens, pursuant to the provision 11 U.S.C. § 363 (f)(2) upon payment of the sum of \$1,500,000.00.

All proceeds from the sale of the Property, in excess of \$1,500,000.00 will belong to the estate to be administered by the Trustee and distributed pursuant to the provisions of the Bankruptcy Code.

Upon adjudication of the public auction Trustee will deliver to successful bidder all of the necessary documents to discharge liens over the property. All selling expenses are to be paid by the bidder to whom the sale is adjudicated, including but not limited to any amounts to be The embargoes issued in favor of the Internal Revenue Service are the following:

	Serial Number	ID Number	Amount	Date
a)	343685207	660420585	\$1423288.32	03/23/07
b)	343685307	660420585	\$1993152.69	03/23/07
c)	361883407	660420585	\$ 841503.52	05/16/07
d)	369267107	660420585	\$ 559305.75	06/29/07
e)	432965008	660420585	\$145565,75	04/04/08
ń	437355508	660420585	\$36806.03	04/21/08
g)	467311708	660420585	\$243109.05	09/09/08
h)	500474308	660420585	\$297941.41	12/23/08
i)	567383309	660420585	\$ 258236.13	08/17/09
i)	598915709	660420585	\$236142.78	12/02/09
k)	858562812	660420585	\$256676.09	04/23/12

The Internal Revenue Tax liens will be treated pursuant the provisions of 11 U.S.C. §724.

This creditor will receive no distribution from the proceeds of the sale since it will receive distribution from the proceeds of the liquidation of inventory and accounts receivable of Debtor.

### IV. PROCEEDS AND DISTRIBUTION OF PROCEEDS

The Trustee and Publi-Inversiones, have entered into a stipulation through which Publi-Inversiones has consented to the sale of the Property, free and clear of liens, pursuant to the provision 11 U.S.C. § 363 (f)(2) upon payment of the sum of \$1,500,000.00.

All proceeds from the sale of the Property, in excess of \$1,500,000.00 will belong to the estate to be administered by the Trustee and distributed pursuant to the provisions of the Bankruptcy Code.

Upon adjudication of the public auction Trustee will deliver to successful bidder all of the necessary documents to discharge liens over the property. All selling expenses are to be paid by the bidder to whom the sale is adjudicated, including but not limited to any amounts to be

9

-me to no ming no mapaper to t paoneanon at El receiv axies tins is their with the Cierx's Office.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail as per attached list. I further certify that the foregoing document has been served to the US Trustee at ustregion21.hr.ecf@usdoj.gov and to Debtor's attorney, Alexis Fuentes Hernández, at

paid for the cancellation of liens encumbering the property.

Trustee's commissions will be paid from the share of the sale proceeds corresponding to the estate and will be computed pursuant to 11 U.S.C. §326, with allowance of said compensation subject to notice, hearing and Court approval. The bankrupctcy estate share of these proceeds will be subject to distribution pursuant the provisions of 11 U.S.C. §726.

NOTICE IS HEREBY GIVEN that no other liens or secured creditors have been identified that may encumber the personal property subject of this sale. Any purposed creditor with a valid and enforceable lien over the assets of this estate shall inform the trustee or object to this sale within the next TWELVE (12) DAYS from the Date of this Notice, in order to have its claim considered within the sale of these assets. Objections will be waived unless property raised within the time period provided herein.

NOTICE IS HEREBY GIVEN that unless any other creditor or other party in interest files a written objection, with a copy therefore served to the trustee, within TWELVE (12) DAYS from the Date of the Notice, the trustee will conduct the sale contemplated herein and will adjudicate the sale(s) upon the term herein set forth. Should a timely objection be filed, a hearing on such objection will be schedule by the Court. Objections will be waived unless properly raised within the time period provided herein.

PROSPECTIVE BIDDERS AND PARTIES IN INTEREST are strongly encouraged to carefully review this Notice of Sales, together with its exhibits. A full copy of this Notice together with its exhibits, is available for inspection at the Clerk's Office of the United States Bankruptcy Court for the District of Puerto Rico.

I further certify that copy of this Notice with Exhibits will be posted on the bulletin board at the 341 meeting room located at First Floor of the Ochoa Building, 500 Tanca Street, Lobby Level, Old San Juan and with the website of the Clerk's office at prb.uscourts.gov.

I further certify that a Summary providing Information of this Notice of Sale will be sent to the following newspaper for publication at El Vocero after this is filed with the Clerk's Office.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all parties in this case registered for receipt of notice by electronic mail as per attached list. I further certify that the foregoing document has been served to the US Trustee at ustregion21.hr.ecf@usdoj.gov and to Debtor's attorney, Alexis Fuentes Hernández, at

his email of record; and by depositing true and exact copies thereof in the US regular mail all other interested parties as per attached master address list.

### RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 8 th day of November of 2013.

/s/ Noemí Landrau Rivera Chapter 7 Trustee PO Box 270219 San Juan, PR 00927-0219 Tel. (787) 774-0224 Fax. (787) 793-1004

Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Case:13-07759-MCF7 Desc: Main

Document Page 16 of 24 Doc#:145 Filed:11/21/13 Entered:11/22 Case:13-07759-MCF7 Document Page 1 of 2

EXHIBIT

### UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF PUERTO RICO

### Minute Entry

### **Hearing Information:**

**Debtor:** CARIBBEAN INTERNATIONAL NEWS CORPORATION

Case Number: 13-07759-MCF7 Chapter: 7

Date / Time / Room: 11/21/2013 3:00 PM

Bankruptcy Judge: MILDRED CABAN FLORES Courtroom Clerk: CARMEN B. FIGUEROA Reporter / ECR: INECITA COLLAZO

### Matter:

- 1. URGENT MOTION REQUESTING HEARING TO ENTERTAIN TRUSTEE'S "NOTICE OF SALE OF CERTAIN ASSETS PURSUANT TO 11 USC § 363 FREE AND CLEAR OF LIENS" AND OPPOSITION THERETO FILED BY UNION DE PERIODISTAS, ARTES GRAFICAS Y RAMAS ANEXAS (DKT #132)
- 2. OPPOSITION TO "NOTICE OF SALE CERTAIN ASSETS PURSUANT TO 11 USC § 363 FREE AND CLEAR OF LIENS" FILED BY UNION DE PERIODISTAS, ARTES GRAFICAS Y RAMAS ANEXAS (DKT #134)
- 3. REPLY TO OPPOSITION TO NOTICE OF SALE OF CERTAIN ASSETS PURSUANT TO 11 U.S.C. § 363 FREE AND CLEAR OF LIENS FILED BY PUBLI-INVERSIONES DE PUERTO RICO, INC. (DKT #135)

### Appearances:

- Noemi Landrau, Esq., Chapter 7 Trustee
- Gerardo Pavia Cabanillas, Esq. on behalf of the Chapter 7 Trustee
- Charles Alfred Cuprill, Esq. on behalf of Publi-Inversiones Puerto Rico, Inc.
- Fausto David Godreau, Esq. and Rafael Gonzalez Valiente, Esq. on behalf of Union De Periodistas, Artes Graficas y Ramas Anexas ("UPAGRA")
- Michael P. Richman, Esq. and Migda L. Rodriguez Collazo, Esq. on behalf of Puerto Rico Department of Treasury
- Monsita Lecaroz, Esq. on behalf of the United States Trustee
- Maria Mercedes Figueroa y Morgade, Esq. on behalf of Municipality of San Juan
- Carmen Priscilla Figueroa-Bell, Esq. on behalf of CRIM

### Minutes of Proceedings:

### ORDER

The Chapter 7 Trustee and UPAGRA reached an agreement whereby UPAGRA withdrew its objection to the Notice of Sale (Docket No. 134) subject to an amendment to the language of the Notice of Sale (Docket No. 116):

> 1. Delete the second sentence in paragraph 10 of page 4 of the Notice of Sale, which reads as follows:

"Nothing in this notice of sale will be intended to, nor shall it be deemed to, preclude the National Labor Relations Board or any court from exercising its jurisdiction in order to enforce the provisions of the National Labor Relations Act on account of any acts that transpire after December 1, 2013."

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main

Document Page 17 of 24 Case:13-07759-MCF7 Doc#:145 Filed:11/21/13 Entered:11/22/13 15:50:26 Desc: Main Document Page 2 of 2

> 2. Substitute the aforementioned sentence with the following quote contained in paragraph 4 of page 15 of Opposition to Notice of Sale of Certain Assets Pursuant to 11 U.S.C. §363 Free and Clear of Liens (Docket No. 134):

Nothing in this Sale Order or the Asset Purchase Agreement shall be held to limit any independent obligation of the Buyer that potentially could arise after the closing pursuant to the National Labor Relations Act, 29 U.S.C. §145 et seq.

The priority claims of the employees will be determined on a subsequent date.

As a result of the agreed upon amendment to the Notice of Sale, UPAGRA's opposition (Docket No. 134) was withdrawn in open Court. No objections to the proposed amended language of the Notice of Sale were raised. No additional objections to the Notice of Sale were voiced by the parties present at the hearing.

The Chapter 7 Trustee's Notice of Public Sale of Certain Assets pursuant to 11 U.S.C § 363 free and clear of Liens (Docket No. 116) is hereby approved as amended in open court.

The Stipulation by and Among the Trustee and Secured Creditors, Publi-Inversiones Puerto Rico, Inc. and Caribbean Media, LLC (docket #115) is hereby approved as unopposed. The Trustee's Application to Employ Pavia & Lazaro, PSC as counsel (Docket No. 104) is hereby granted as unopposed.

The Chapter 7 Trustee's and the UPAGRA's Joint Motion to file Stipulation (Docket No. 108) and the Trustee's Application for Appointment of Jimenez, Graffam & Lausell and its counsels Jorge C. Pizarra Garcia, Esq. and Jose R. Gonzalez Nogueras, Esq., as Labor and Employment Counsels (Docket No. 109) shall be approved, if no timely objections are filed. The Clerk is to follow-up on both matters.

SO ORDERED.

/S/Mildred Caban Flores U.S. Bankruptcy Judge

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main Document Page 18 of 24

# CARIBBEAN INTERNATIONAL NEWS 13-07759 MCF

Public Auction: November 22, 2013 at 2:00 pm

At: First Floor, Ochoa Bldg., Old San Juan, PR

# ATTENDEES PRESENT

Γ			Document	Page 18 of 24	EX	KHIBIT
REDRESENTATIVE / ATTORNEY	& CONTACT INFO	anagure perventainte interprete Bauter.	51Er ANK UC	Munierpir de San Juan	Yanis Blanco Soutiago Michael Richman Migda Liz Rodngwez	Garmen Frisculla tigueroa, &
	EMAIL	antquir & encountric	787 781-9896 Dicoer Exerianti.			chiqueroa @ crimpr. net
	TEL. / FAX	(74) 7524-1313 (763) 724-7760	358 5-181 150	ndin Com (com (contact)	791-8020	787-625-2746 X2112 787-625-4073
	ADDRESS	Pobox 191017 Sau Juan Ph 00919-1017	\$ 111 CARR 174.	(paremymerheriam eam		PO Boy 195387 San Juan PR 00419-5387
	NAME OF ENTITY	Phys M. Udayurt Banes First Bauk PR	Richmso Skety Court	manz menedes	Upt of Treasury Yor of Justice	CRIM

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main

CARIBBEAN INTERNATIONAL NEWS 13-07759 INCF

Public Auction: November 22, 2013 at 2:00 pm

At: First Floor, Ochoa Bldg., Old San Juan, PR

ATTENDEES PRESENT

759-M	CF7 Doc#:14	9 Filed:11/26 Document—	3/13 Entered:	11/26/13 17:1	5:06 Desc: M
REPRESENTATIVE / ATTORNEY & CONTACT INFO	05 ar Semani 505 - 5429		122 - 1 171 Combon de la bouila la la confo		Fate O Gonsolu Valvasa
EMAIL	noticelmesa@ gmail.com	macread voerorom	ndisca Q dinadiscom	Yey(colon B Hand.	nosmalas es
TEL ( FAX	(187) 200-1719	- 824 (+8F)	7625	787-989 1917	38-426-68E
ADDRESS	Legin Suite de S. B. D. R. 2003			Tr-empharon Vocero	
NAME OF ENTITY	Not Ce	Merss-Carree	(1/5m) 1732 52 Muss M3		WAS ZZ

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Main

CARIBBEAN INTERNATIONAL NEWS 13-07759 MCF

Public Auction: November 22, 2013 at 2:00 pm At: First Floor, Ochoa Bldg., Old San Juan, PR

Į	ľ			
1	į	Ġ		
Į	Ļ	Ļ		ı
	ļ	•	1	Ì
ļ		۱		
۱	ļ	ļ		١
ı		1		•
	4	,	ì	
ı	l	L	į	ı
į	ı	L	į	İ
ĺ	ľ		١	Ì
	d	2		,
i	į	Ĺ	į	
İ	į.			
į			۳	
i	ď	1	٩	

9-l√ 	1CF7 Doc#:14	49 Filed:11/26 Document	5/13 Entered: Page 20 of 24	(11/26/13 17:1	.5:06 Desc: M
REPRE	Nestor Sit Escatus	-7-1 4. Tornes Knos	U.S. Trustee		
11346	787-781-85W 5120/16/623//	imbures DV ecare . c.om	(787)421-6498 julio. gueman (cusdoj.		
TEI / EAV	787-787 W	3111-40 <b>E</b> (181)	85n7-17h(18E)		
ADDRESS	P.S. 50x 43650+ 500 500, 916 20936				
NAME OF ENTITY	UPACRA	INGRIP TOPRE	Julio Goeman		

Case:13-07759-MCF7 Doc#:149 Filed:11/26/13 Entered:11/26/13 17:15:06 Desc: Mai

CARIBBEAN INTERNATIONAL NEWS 13-07759 MCF

Public Auction: November 22, 2013 at 2:00 pm At: First Floor, Ochoa Bidg., Old San Juan, PR

LIST OF QUALIFIED BIDDERS

∕59-N	ICF7	Doc#:14	19 Filed:11/2 Document	26/13 Entered Page 21 of 2	d:11/26/13 17:: 4 EX	L5:06    Desc: N THIBIT
DEDDECENTATIVE / ATTANDED	Led. Charles Cynill	Let. Gebests Marxwach				
22	cacoril & capril, com	Gilbertomarkeah Ognail.contest.				
TEL. / FAX	575					
ADDRESS	Well Forther #356	المرسدة معام				
NAME	Osli Invesions					

Lneck No.

SLINIA

151-7147/2215

Date:

FIRSTBANK PUERTO RICO

PURCHASER'S COPY WANAGER'S CHECK

Purchaser: GIP HOLDING CORPORATION

Payee: NOEMI LANDRAU RIVERA

CHAPTER 7 TRUSTEE

Branch. 050

Teller: 09505

Source

Manager's Chec

PHY

\*\*\*Four Hundred Thousand Dollars\*\*

Purchaser: GIP HOLDING CORPORATION

Non N

Order of: To The

NOEMI LANDRAU RIVERA

CHAPTER 7 TRUSTEE

THE TRANSPORT OF THE PROPERTY

Check No.: 910113

Date: 11/22/2013

Branch ( Teller, No. 09505

Valid for Six Months After Issue Date

Ö

YYNS-5001-0911R

#1517 OT 15 at

21年21年21年21年

50m 10000 1 3m

SANJUAN, PUERTO BICO

Total:

\$8.00

\$400,000.00

10 10 10

Amount:

\$400,008.00

IN RE:

CASE NO. 13-07759 MCF

CARIBBEAN INTERNATIONAL NEWS CORPORATION

**CHAPTER 7** 

**DEBTOR** 

#### ECM/ECF PARTICIPANTS RECEIVING NOTICE VIA EMAIL

Party	Attorney	Email
United States Trustee	Monsita Lecaroz Arribas, Esq. Assistant U.S. Trustee	ustpregion21.hr.ecf@usdoj.gov
Caribbean International News Corp.	Alexis Fuentes Hernandez, Esq.	alex@fuentes-law.com
Publi-Inversiones Puerto Rico Inc.	Charles A. Cuprill, Esq.	ccuprill@cuprill.com cscuprill@cuprill.com
Todly Group Inc.	Juan M. Suares Cobo, Esq.	suarezcobo@prtc.net suarezcobo@gmail.com
Commonwealth of Puerto Rico & Department of Treasury	Migda Liz Rodriguez Collazo, Esq.	bankruptcyjusticia.gobierno.pr@gm ail.com migrodriguez@justicia.pr.gov
Fiddler Gonzalez & Rodriguez, PSC	José L. Ramirez-Coll, Esq. Joseline Rodriguez Ortiz, esq.	jramirez@fgrlaw.com jrodriguez@fgrlaw.com
CRIM	Carmen P. Figueroa-Bell, Esq.	cfigueroa@crimpr.net
Municipality of San Juan	Maria Mercedes Figueroa y Morgade, Esq.	figueroaymorgadelaw@yahoo.com
PR Electric Power Authority (PREPA)	José R. Cintron Rodriguez, Esq.	j-cintron-djur@prepa.com
National Labor Relations Board	Luis F. Padilla, Esq.	luis.padilla@nlrb.gov
Union de Periodistas, Artes Graficas y Ramas Anexas (UPAGRA)	David Godreau Zayas, Esq. Rafael Gonzalez Valiente, Esq.	dgodreau@lbgrlaw.com rgonzalez@lbrglaw.com
Caribbean Media LLC	Jorge I. Peirats, Esq.	jpeirats@pmalaw.com
Commonwealth of Puerto Rico Department of Treasury	Hunton & Williams LLP Michael P. Richman, Esq. Robert Rich, Esq. Peter S. Partee, Sr., Esq.	mrichman@hunton.com rrich2@hunton.com ppartee@hunton.com
PC Realty Company, Inc.	Eduardo José Cobian Roig, Esq.	eduardo@cobianroig.com
Merchandise Center, Inc.	Wigberto Lugo Mender, Esq.	wlugo@lugomender.com
First Bank PR	Angel Vazquez Bauzá, Esq.	avazquez@enrassociates.com
State Insurance Fund	Wally de La Rosa, Esq.	wdelarosa@cfse.gov.pr
Puerto Rico Department of Labor	Antonio R. Lanzar, Esq.	alanzar@dtrh.gobierno.pr
United States of America Internal Revenue Service	Norah E. Bringer, Esq. Christopher J. Williamson, Esq.	norah.e.bringer@usdoj.gov christopher.j.williamson@usdoj.gov

Estate of Gaspar Roca Cond. Parque de las Fuentes Apt. 1706 Cesar Gonzalez St. San Juan, PR 00918	Department of Treasury of Puerto Rico PO Box 9022501 San Juan, PR 00918	Department of Labor of Puerto Rico PO Box 1020 San Juan, PR 00919-1020
Elliot Stein, Jr. 820 Park Ave. New York, NY 10021	Abitibi Bowater 55 E. Camperdown Way Greenville SC 29602-1028	CRIM PO Box 195387 San Juan, PR 00919-5387
Internal Revenue Service PO Box 21126 Philadelphia, PA 19114-8179	Municipio de San Juan Call Box 70179 San Juan, PR 00936-8179	Caribbean Media LLC 4151 N. Mulberry Drive Suite 245 Kansas City, MO 64116
State Insurance Fund PO Box 365028 San Juan, PR 00936-5028	I. Martin Pompadur 10 Highland Farms Rd. Greenwich CT 05831	Arnold & Porter 555 12 <sup>th</sup> St. NW Washington DC 20004-1206
Hagedorn Communications 662 Main Street New Rochelle NY 10801	PC Realty Company, Inc. PO Box 19119 Fernandez Juncos Station San Juan, PR 00910-9116	Central National Gottesman Inc. Three Manhattanville Road Purchase, NY 10577-2110
Luis A. Ortiz María I. Alvarado PMB 168 Caguas, PR 00726	Multi Services Company LLC PO Box 453 Carolina, PR 00986	Fiddler Gonzalez & Rodriguez PSC PO Box 363507 San Juan, PR 00936-3507
Multi Media Management LLC PO Box 441 Carolina, PR 00986	Caribbean International News Corp. PO Box 9027515 San Juan, PR 00902-7515	Alexis Fuentes Hernandez Fuentes Law Offices, LLC PO Box 9022726 San Juan, PR 00902-2726

#### EXHIBIT A TO NOTICE OF SALE

Assets to be sold at public sale are, all the properties, assets and rights of Caribbean International News Corporation ("<u>Debtor</u>")(other than the Excluded Assets, as defined below) related to or used or held for use in connection with Debtor's business as the same may exist at the day of the transfer of the assets (collectively, the "<u>Property</u>") consisting of:

- (a) all owned furniture, signs, fixtures, appurtenances, improvements, equipment, inventory and supplies which are located in, on or at the Debtor's premises (collectively, the "Personal Property") identified on Schedule 1.2 (a) hereto.
- (b) the unexpired not rejected nonresidential real property leases (the "Leases"), with all related leasehold interests, entitlements and licenses;
- all other equipment, machinery, fixtures, furniture, and other tangible or intangible personal property that is owned by the Debtor and utilized for operation of the Debtor's business, including, without limitation, to the extent owned by the Debtor, all printing presses and all related machinery and equipment, all pre-printing and production machinery and equipment, all attachments, appliances, fittings, gas and oil burners, lighting fixtures, doors, cabinets, partitions, mantels, elevators, electric motors, pumps, screens, flagpoles, all sprinkler, plumbing, heating, air conditioning, electrical, ventilating, lighting, incinerating, vacuum cleaning, refrigerating, cooling and security systems, shelving, computers, freezers, coolers, racks, extrusion equipment, pallets, trash compactor, pallet trucks, boilers, engines, motors, dynamos, radiators, pipes, wiring and other apparatus, vaults, safes, fire prevention and extinguishing equipment, carpets, floor coverings, office equipment and furniture, kitchen appliances, and antennae (together with all parts and supplies pertaining thereto), and all facilities and equipment situated at the Debtor's business premises that are owned by the Debtor and used to provide any utility services, parking services, trash disposal services or any other services in connection with the Debtor's business (collectively, the "Additional Personal Property"), including, without limitation, any other miscellaneous personal property not identified on Schedule 1.2 (a) hereto;
- (d) all buildings, structures, fixtures and improvements (collectively "Improvements") situated on and/or in the premises that are the object of the Leases;
- (e) to the extent assignable and transferable to the Purchaser, all rights of the Debtor to the warranties and licenses received from any manufacturers that relate or pertain to the Personal Property;
- (f) to the extent assignable and transferable to the Purchaser, all computer hardware and software (including, without limitation, process control software and payroll software) owned by the Debtor or licensed to the Debtor and used in connection with the operation of the Debtor's business with the exception of any data contained is said software which may be needed by Trustee for the administration of the estate and the completion of her duties pursuant

to the Bankruptcy Code;

- (g) to the extent assignable and transferable to the purchaser, all permits, certificates of occupancy, authorizations, consents, orders, rulings, decrees, licenses and approvals (collectively the "Permits") related to the Debtor's business and/or used in connection with its operation;
- (h) all plans and specifications relating to or for the Debtor's business in the Debtor's possession;
- (i) all books, files, documents and records owned by or in the control of the Debtor (in whatever format they exist, whether in hard copy or electronic format), including, without limitation, all computer data bases, records and information, test results, copies or originals of all product specifications, plans, data, studies, drawings, diagrams, engineering data, training manuals, safety and environmental reports and documents, maintenance schedules and operating and production records, inventory records, business plans, and marketing materials (collectively, the "Books and Records") that are related and/or used in connection with the operation of the Debtor's business, with the exception of those records which the trustee may need to comply with her duties pursuant to the Bankruptcy Code;
- (j) all communication equipment owned, leased or licensed (to the extent assignable and transferable) by the Debtor used in the operation of the Debtor's business;
- (k) all environmental reports, surveys, blueprints, drawings, building or site plans and specifications, and all other similar documents in the Debtor's possession that relate to the Debtor's business;
- (1) to the extent assignable and transferable to the Purchaser, all nonproprietary operating software and MIS systems used or related to the operation of the Debtor's business; and;
- (m) All trademarks, service marks, trade names, service names, brand names, all trade dress rights, logos, corporate names and general intangibles of a like nature, together with the goodwill associated with any of the foregoing, including, without limitation the terms "El Vocero" and "El Vocero de Puerto Rico" and all derivatives and variations thereof now in use and used in the past, the domain name vocero.com and the webpages vocero.com and Vocero Clasificados, and all pending registrations related to such trademarks, service marks or trade names, including the pending applications at the Puerto Rico Trademark Registry, Filing Numbers: 100132-15-1, 100131-35-1 and 100130-41-1.

NOTWITHSTANDING anything to the contrary herein, nothing in the Stipulation shall be deemed to sell, transfer, or assign or convey, the following assets (the "Excluded Assets") which remain part of the bankruptcy estate subject to the administration of trustee appointed for the administration and liquidation of Debtor's assets:

- (1) Any asset of the Debtor that otherwise would constitute Property but for the fact that it is conveyed, leased or otherwise disposed of, in the ordinary course of business, during the time from the date hereof until the Closing;
  - (2) All contracts rejected by the Trustee;
- (3) All Employee Benefit Plans currently or previously sponsored or maintained by the Debtor or the Debtor's ERISA Affiliates (collectively, the "Debtor Controlled Group") or their respective predecessors or with respect to which the Debtor Controlled Group or their respective predecessors has made or is required to make payments, transfers or contributions in respect of any present or former employees, directors, officers, shareholders, consultants or independent contractors of the Debtor or the Debtor's ERISA Affiliates or their respective predecessors (collectively, the "Debtor Benefit Plans"), and all insurance policies, fiduciary liability policies, benefit administration contracts, actuarial contracts, trusts, escrows, surety bonds, letters of credit and other contracts primarily relating to the Debtor Benefit Plan;
  - (4) All of the Debtor's account receivables up to November 30, 2013;
- (5) All of the Debtor's corporate books, records (including corporate MIS records), including, without limitation, personnel records of the Debtor's Employees and those records and files related to the financial affairs Debtor.
  - (6) The shares of capital stock of the Debtor;
  - (7) All vehicles of the Debtor;
  - (8) The inventory of materials used to print the newspaper, property of Debtor;
- (9) All of the Debtor's rights relating to a tax refund or any other benefit pursuant to applicable law;
- (10) Any amounts payable by any affiliate of the Debtor to the Debtor or any other receivable payable to the Debtor by any affiliate thereof; and
- (11) All records required by the Trustee to comply with the duties and obligations imposed on her by the Bankruptcy Code.

PTG Form 1478 (Rev 9/2006) OMB No. 0651-0009 (Exp 12/31/2008)

# Trademark/Service Mark Application, Principal Register TEAS Plus Application

**Serial Number: 77417593 Filing Date: 03/10/2008** 

NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

#### The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS2\EXPORT15\\774\\175 \\77417593\xml1\\FTK0002.JP G
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	El Vocero Hispano
*COLOR MARK	NO
*COLOR(S) CLAIMED (If applicable)	
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the stylized text "El Vocero Hispano".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 341
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	El Vocero Hispano
*STREET	1438 Eastern SE
*CITY	Grand Rapids
*STATE	Michigan

(Required for U.S. applicants)	
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	49507
PHONE	(616) 246-6023
FAX	(616) 246-1228
EMAIL ADDRESS	editor@elvoceromi.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	Michigan
GOODS AND/OR SERVICES AND BASIS	INFORMATION
*INTERNATIONAL CLASS	016
FIRST USE ANYWHERE DATE	At least as early as 02/24/1992
FIRST USE IN COMMERCE DATE	At least as early as 11/24/1992
*IDENTIFICATION	Newspapers
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/24/1992
FIRST USE IN COMMERCE DATE	At least as early as 11/24/1992
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\\774\175 \\77417593\\xml1\\FTK0003.JP G
	\\TICRS2\EXPORT15\774\175 \\77417593\xml1\FTK0004.JP G
SPECIMEN DESCRIPTION	Digital images of a newspaper currently used in commerce
*INTERNATIONAL CLASS	041
FIRST USE ANYWHERE DATE	At least as early as 02/24/1992
FIRST USE IN COMMERCE DATE	At least as early as 11/24/1992
*IDENTIFICATION	Publication of electronic newspapers accessible via a global computer network
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/24/1992

SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\774\175 \\77417593\xml1\FTK0005:JP G	
SPECIMEN DESCRIPTION	Digital image of a website currently used in commerce	
ADDITIONAL STATEMENTS SECTIO	N	
*TRANSLATION (if applicable)	The foreign wording in the mark translates into English as The Spanish Voice.	
"TRANSLITERATION (if applicable)		
*CLAIMED PRIOR REGISTRATION (if applicable)		
*CONSENT (NAME/LIKENESS) (if applicable)		
*CONCURRENT USE CLAIM (if applicable)		
CORRESPONDENCE INFORMATION		
*NAME	El Vocero Hispano	
FIRM NAME	El Vocero Hispano	
*STREET	1438 Eastern SE	
CITY	Grand Rapids	
STATE Required for U.S. applicants)	Michigan	
COUNTRY	United States	
ZIP/POSTAL CODE	49507	
PHONE	(616) 246-6023	
FAX	(616) 246-1228	
EMAIL ADDRESS	editor@elvoceromi.com	
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes	
FEE INFORMATION		
NUMBER OF CLASSES	2	
FEE PER CLASS	275	
TOTAL FEE PAID	550	
SIGNATURE INFORMATION		

* SIGNATURE	/Andres Abreu/
* SIGNATORY'S NAME	Andres Abreu
* SIGNATORY'S POSITION	Authorized Signatory
* DATE SIGNED	03/10/2008

#### Trademark/Service Mark Application, Principal Register

#### **TEAS Plus Application**

**Serial Number: 77417593 Filing Date: 03/10/2008** 

#### To the Commissioner for Trademarks:

MARK: El Vocero Hispano (stylized and/or with design, see mark)

The literal element of the mark consists of El Vocero Hispano.

The mark consists of the stylized text "El Vocero Hispano".

The applicant, El Vocero Hispano, a limited liability company legally organized under the laws of Michigan, having an address of

1438 Eastern SE

Grand Rapids, Michigan 49507

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

### For specific filing basis information for each item, you must view the display within the Input Table. International Class 016: Newspapers

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 016, the mark was first used at least as early as 02/24/1992, and first used in commerce at least as early as 11/24/1992, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Digital images of a newspaper currently used in commerce.

Specimen File1

Specimen File2

#### For specific filing basis information for each item, you must view the display within the Input Table.

International Class 041: Publication of electronic newspapers accessible via a global computer network

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as

#### amended.

In International Class 041, the mark was first used at least as early as 02/24/1992, and first used in commerce at least as early as 11/24/1992, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Digital image of a website currently used in commerce.

Specimen File1

The foreign wording in the mark translates into English as The Spanish Voice.

Correspondence Information: El Vocero Hispano

1438 Eastern SE

Grand Rapids, Michigan 49507

(616) 246-6023(phone) (616) 246-1228(fax)

editor@elvoceromi.com (authorized)

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

#### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Andres Abreu/ Date Signed: 03/10/2008

Signatory's Name: Andres Abreu

Signatory's Position: Authorized Signatory

RAM Sale Number: 10688

RAM Accounting Date: 03/10/2008

Serial Number: 77417593

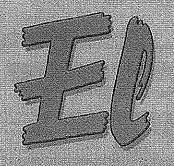
Internet Transmission Date: Mon Mar 10 14:25:04 EDT 2008

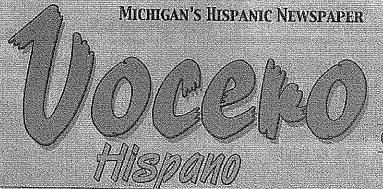
TEAS Stamp: USPTO/FTK-204.94.57.36-20080310142504479

091-77417593-400fa6c864b1b71441dfcf8da5f ea0f3b8-DA-10688-20080306152937231696

# El Vocero







PRSRT STO ES POSTACE PAID GRAND RAPIDS MI PERMIT <u>191</u>

GRATIS

EDICION SEMANAL

**40 PAGINAS** 

Grand/Rapids , MI ... 08 de Febrero del ano 2008

No. 542 En internet: http://www.elvoceromi.com

#### Nombran Nuevo Jefe Policia Grand Rapids

GRAND KARIOS, MI. (EVII) FEDRERO 7, 2001 - Fi administrator de la ciudad de

Rapids, Kurt Kimpell

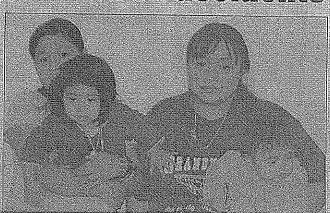
De la mariana del lunos 4 du lectorio Klinbell presentica la prema sul decisión sobre guerranta et nuevo late poli-cula.



## Familia trata de superar la muerte de niña en accidente

Por Jian F. Parrapear GRAND RAPIOS MI, [EVII) FEDRERO 7, 2045. Con inclusar region 8 region ros de El Yozavi ca madre de Mirros, la riba de 3 sales que muno re-gicamente al caerco ana Mini-zar qualta 4 70 millus por bota







Zócalo

Int. Cls.: 16 and 41

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101 and

107

Reg. No. 3,546,245

United States Patent and Trademark Office

Registered Dec. 16, 2008

#### TRADEMARK SERVICE MARK PRINCIPAL REGISTER



EL VOCERO HISPANO (MICHIGAN LIMITED LIABILITY COMPANY) 1438 EASTERN SE GRAND RAPIDS, MI 49507

FOR: NEWSPAPERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 2-24-1992; IN COMMERCE 11-24-1992.

FOR: PROVIDING ON-LINE PUBLICATION IN THE NATURE OF A NEWSPAPERS IN THE FIELD OF LOCAL, NATIONAL AND INTERNATIONAL NEWS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-24-1992; IN COMMERCE 11-24-1992.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HISPANO", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE STYLIZED TEXT "EL VOCERO HISPANO".

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS THE HISPANIC SPOKESMAN.

SER. NO. 77-417,593, FILED 3-10-2008.

JULIE WATSON, EXAMINING ATTORNEY